

BETHLEHEM PLANNING BOARD

RULES OF PROCEDURE

ADOPTED 7/25/2012

1 AUTHORITY

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated **(RSA) 676:1**.

2 MEMBERS AND ALTERNATES

- a) The Planning Board shall consist of Seven (7) members. The Selectmen shall designate one selectman as an ex-officio member with power to vote.
- b) Selection, qualification, term, removal of members, and filling of vacancies shall conform to **RSA 673**.
- c) Alternate members may serve on the Planning Board as authorized by **RSA 673:6** and participate as non-voting members.

Up to five alternate members shall be appointed by the sitting Board for 3 year terms staggered in accordance with RSA 673:6, as provided for by the local legislative body. Alternates should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities.

At planning board meetings, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy may participate with the board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, and actively participate and interact with other board members, the applicant, abutters and the public. However, they shall not be allowed to make or second motions and shall not participate in any way during the deliberations by the board. Upon the close of the public hearing, alternates must remove themselves from the table and sit with other members of the public unless they are sitting in place of another member. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

- d) Members must reside in the community and are expected to attend each meeting of the board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the chairman as soon as possible. Members, including the chairman and all officers, shall participate in the decision-making process and vote to approve or

disapprove all motions under consideration.

- e) Each newly elected or appointed (including re-elected or re-appointed) member shall be sworn in and take an oath of office as required by **RSA 42:1**.
- f) The Secretary shall forward to the municipal clerk for recording the appointment/election and expiration dates of the terms of each member of the Board.
- g) Vacancies Shall be filled per RSA 673:12

3 OFFICERS

- a) The officers of the Board shall be as follows per RSA 673:8:
 - I. Chairman: The Chairman shall preside over all meetings and hearings; shall prepare, with the assistance of the Secretary, an annual report; and shall perform other duties customary to the office.
 - II. Vice-Chairman: The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.
- b) The officers of the Board shall be elected annually during the month of March by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

4 MEETINGS

- a) Regular meetings shall be held twice a month on the 2d & 4th Wednesdays.
- a)b) Special meetings may be called, or regular meetings may be cancelled by the Chairman or in her/his absence, by the Vice-Chairman, or at the request of three members of the Board provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.
- b)c) Nonpublic Sessions shall be held only in accordance with **RSA 91-A:3**.
- e)d) Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members.
- d)e) If any regular Board member is absent from a meeting or hearing, or disqualifies her/himself from sitting on a particular application, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member. Such alternate shall have all the powers and duties of a regular member in regards to any matter under

consideration on which the regular member is unable to act.

e)f) Order of Business shall be as follows:

- i. Call to order by Chairman
- ii. Town/Planning Board Secretary shall take Attendance and recorded minutes & all votes.
- iii. Minutes of previous meeting
- iv. Reading of communications directed to the Board
- v. Report of officers and committees
- vi. Unfinished business
- vii. Hearings on subdivision/site plans
- viii. Other business - public comment

f)g) A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Vote result shall be recorded in the minutes.

5 Disqualification:

If any member finds it necessary to be disqualified from sitting on a particular case, as provided in **RSA 673:14**, s/he shall notify the Chairman as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chairman or the member before the discussion or the public hearing on the application begins. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter. If the meeting or hearing is to be continued at another session the regular member, if present and not disqualified, may take his/her seat at this session.

If uncertainty arises as to whether a Board member should disqualify her/himself, on the request of that member or the request of another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than board members.

RSA 673:14 Disqualification of Member.

No member of a zoning board of adjustment, building code board of appeals, planning board, heritage commission, historic district commission,

agricultural commission, or housing commission shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

When uncertainty arises as to the application of paragraph I to a board member in particular circumstances, the board shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.

If a member is disqualified or unable to act in any particular case pending before the board, the chairperson shall designate an alternate to act in the member's place, as provided in RSA 673:11.(NOTE: Except as may otherwise be provided by local ordinance.)

6 APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW

- a) Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Secretary of the Board or the Board's agent who shall sign and record the date of receipt.
- b) Notice shall be given as required in **RSA 676:4,1(d)** 10 days before a completed application is submitted to the Board.
- c) Completed applications shall be accepted by majority vote of the Board and shall be scheduled for consideration within 30 days of acceptance.
- d) The board shall reject all applications not properly completed.
- e) *After the Bethlehem Planning Board has held two conceptual reviews with an applicant, the Planning Board deems Design Review Phase may proceed further after proper notice and abutter notices per RSA have been given.*

“The applicant is not required to have a conceptual, but may have up to two.” The Planning Board deems Design Review Phase may proceed further after proper notice and abutter notices per RSA have been given.”

7 FORMS

All forms prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.

8 NOTICE

- a) Public notice of the submission of and public hearings on each application shall be given in the (local newspaper) or by posting at both the (location) and the (location) not less than ten (10) days prior to the date fixed for submission and consideration of the application. *(Note: RSA 676:4 requires the public notice of submission to be given by either publication or posting. The Board may do one or the other, or both so long as the rules of procedure are consistent with the subdivision and site plan review regulations.)*

- b) Personal notice shall be made by certified mail to the applicant, all abutters and any professional whose seal appears on any plat not less than ten (10) days prior to the date fixed for submission of the application to the Board. *(Note: RSA 676:4 permits the planning board to combine the notice of submission with the notice of the public hearing, by stating that, if the application is accepted as complete, it will be on the agenda of each planning board meeting until a decision is made. The date of the public hearing must also be included on the notice. Otherwise, separate notices must be given to the applicant and abutters by certified mail for submission, public hearing, and each time the application is on the agenda.)*

9 PUBLIC HEARINGS

- a) The conduct of public hearings shall be governed by the following rules:
- b) The Chairman shall call the hearing in session, identify the applicant or agent.
- c) The Chairman shall read the application and report on the manner in which public and personal notice was given.
- d) Members of the Board may ask questions at any point during the presentation.
- e) Any party to the matter who desires to ask a question of another party must go through the Chairman.
- f) Any applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.
- g) Each person who speaks shall be required to state her/his name and address and indicate whether s/he is a party to the matter or an agent

or counsel to a party to the matter.

- h) The applicant or agent shall be called to present the proposal and those appearing in favor of the proposal shall be allowed to speak.
- i) Those in opposition to the proposal shall be allowed to speak.
- j) Those neither in favor nor in opposition may speak.
- k) Other parties such as representatives of town departments and other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
- l) The Chairman shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

10 DECISIONS

- a) The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in **RSA 676:4**.
- b) The Board shall act to approve, conditionally approve, or disapprove.
- c) Notice of decision will be made available for public inspection at (location) within 5 business days after the decision is made, as required in **RSA 676:3**. If the application is disapproved, the Board shall provide the 1. applicant with written reason for this disapproval.

11 RECONSIDERATION

The Planning Board may reconsider any decision to approve or disapprove an application, for good cause, provided it is within the statutory appeal period. This may be done through a motion and that specifies the reasons for reconsideration. Upon successful passage of the motion, the board shall schedule a public hearing, with notice as provided in 676:4, l(d), where they shall consider whether or not to revise or alter their original decision. Should the board reach a new decision, a new appeal period shall be considered to have begun pursuant to RSA 677:15, et seq.

12 RECORDS

The records of the Board shall be kept by the Secretary and shall be made available for public inspection at the (office of the Board, or office of the Town Clerk) as required by **RSA 91-A:4**.

Minutes of the meetings including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection within 5 business days after the meeting as required in **RSA 91-A:2 ,II.**

13 JOINT MEETINGS AND HEARINGS

- a) The Planning Board may hold joint meetings and hearings with The Select Board or other “land use boards” including the board of adjustment, and the Building Inspector. Each board shall have discretion whether or not to hold such joint meeting or hearing (**RSA 676:2**).
- b) Joint business meetings with another local land use board may be held at any time when called jointly by the chairmen of the two boards.
- c) A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.
- d) The Planning Board chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- e) The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:
 - (i) Call to order by Chairman
 - (ii) Introduction of members of both boards by Chairman
 - (iii) Explanation of reason for joint meeting/hearing by Chairman
 - (iv) In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present his proposal.
 - (v) Adjournment 6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

14 AMENDMENT

The Board’s rules of procedure may be amended by a majority vote of its members. The board shall hold a public hearing prior to adoption of new rules or amendment of existing rules. Notice for the time and place

of the hearing shall be as provided in RSA 675:7. The amended procedures shall be filed with the municipal clerk.